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Application No. 09/696,765

Attorney Docket No.: 26119-136D US1

REMARKS

In the Patent Office Communication, the Patent Office Examiner noted that claims 1-31 are pending in the application, that claims 5-7, 11-15, 19-23, 25 and 27-31 are withdrawn as being directed to separate inventions, and that claims 1-4, 8-10, 16-18, 24 and 26 are rejected. By this Amendment, claims 5-7, 11-15, 19-23, 25 and 27-31 are herein cancelled. Applicants herein amend claim 1 and add new claim 33 to more particularly point out and distinctly claim the subject matter which Applicants regard as his invention. Reconsideration is respectfully requested.

Objection to the Disclosure

The disclosure is objected due to informalities. The Examiner has requested that the application numbers of the related application be inserted in the present application. Accordingly, Applicant has amended the disclosure. Withdrawal of this rejection is respectfully requested.

Rejection of the Claims under 35 U.S.C. § 112

Claims 1-4, 8-10, 16-18, 24 and 26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. While Applicant believes that claim 1 is clear, Applicant has amended claim 1 to clarify that a personal profile of users comprises "at least one of buy-side users and sell-side users including first values for a plurality of information fields,

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the first values for the plurality of information fields identifying the plurality of information fields characterizing commercial interactions associated with the user." The amendment to the claim associates the personal profile with the commercial interaction management method of the present invention.

With respect to claim 8, Applicant believes this claim is clear. Specifically, this claim recites that the information bundles include at least one of textual information bundles, graphical information bundles, and audio information bundles. Applicant does not believe that information bundles need to be limited to a single form of presentation each time the information bundle is being used.

With respect to claim 16, Applicant believes this claim is clear. Specifically, this claim recites that the profile is made available to other users of the network. Accordingly, claim 16 is further limiting because the profile is available to others users.

Applicants are not of the opinion that the amendments to claims 1, 8 and 16 are narrowing amendments. Applicants respectfully submit that the claims satisfy the requirements under 35 U.S.C. § 112, second paragraph. Withdrawal of this rejection is respectfully requested.

Rejection of the Claims under 35 U.S.C. § 103

Claims 1-4, 8-10, 16-18, 24 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent 6,601,234 to Bowman-Amuah entitled "Attribute dictionary in a business logic services environment," and U.S. Patent 6,128,628 to Wacławski et al. entitled "Meta data processing for converting performance data into a generic format."

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Applicants respectfully traverse these rejections.

Bowman-Amuah '234 relates to a system and method for controlling access to data of a business object via an **attribute dictionary**. The attribute dictionary, which stores attribute names and values, is dispatched over a network. A helper facade is provided for interfacing a business object and the attribute dictionary.

With respect to Bowman-'234, the Examiner admits that Bowman-'234 "does not disclose presenting parts of the information bundles from different users based on the values for the plurality of fields for the invention and the values for the fields of bundles. However, the Examiner asserts that Wacławski et al. shows these features. Applicant disagrees.

Wacławski et al. relates to a system and method for processing performance metric data and converting the data from Universal/Uniform Data Format (UDF) to a form readable by data analysis/reporting tools such as SAS IT Service Vision. Performance metric data are collected by collection agents in UDF files. Universal/Uniform Data Format files produced by the same type of collection agent are reformatted and mapped to a dataset having a number of records or observations.

Thus, neither of these prior art references relate to the invention being claimed, i.e., a networked commercial interaction management method of the present invention.

Generally speaking, Applicants' invention, as defined by independent claim 1, is directed towards a networked commercial interaction management method. As amended, independent claim 1 states the following combination of features:

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A networked commercial interaction management method, comprising the steps of:

defining a personal profile of users comprising at least one of buy-side users and sell-side users including first values for a plurality of information fields, the first values for the plurality of information fields identifying the plurality of information fields characterizing commercial interactions associated with the user,

receiving information bundles from different networked users including another of the buy-side and sell-side users in a same machine readable format, wherein each of the information bundles includes second values for the plurality of information fields, the second values for the plurality of information bundles characterizing commercial interactions associated with the different networked users,

presenting at least parts of the information bundles from the different networked users based on the first values for the plurality of fields for the plurality of information fields and the second values for the plurality of information fields for the plurality of information bundles in accordance with at least one untrusted phase and at least one trusted phase,

during the untrusted phase, sending by the buy-side users requests to the sell-side users to enter into a trusted relationship and to transition to the trusted phase,

entering into the trusted relationship and transitioning to the trusted phase,

sending by the sell-side users during the trusted phase the information bundles to the buy-side users responsive to the personal profile to perform the commercial interaction requiring the trusted phase, and

responsive to said presenting, managing commercial interactions between the user and at least one of different networked users using the information bundles and the untrusted and trusted phases.

In rejecting independent claim 1, the Examiner cites portions of Bowman-'234 that merely disclose data of message sent from a sending system to a receiving system, where the data is translated based on metadata. In particular, the Bowman '234 reference describes creating a stream that contains message data and metadata and using a message language to read the formatting information and metadata off of the stream. Contrary to the Examiner's contentions, the Examiner has failed to show where the information bundles that specify the descriptive metadata of each of the information bundles is shown in the Bowman reference.

Accordingly, neither Bowman-'234 nor Wacławski show or suggest the combination of elements recited in independent claim 1.

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Thus, for at least the reasons set forth above, neither Bowman-'234 nor Wacławski show or suggest all the claimed feature of Applicants' invention claimed in amended independent claim 1. Therefore, Applicants respectfully submit that independent claim 1 and dependent claims 2-4, 8-10, 16-18, 24 and 26, which depend from independent claim 1, are allowable over Bowman-'234 and Wacławski. Accordingly, Applicant respectfully requests that the rejection of the claims should be withdrawn.

In addition, the dependent claims are also asserted to be patentably distinguishable over Gernert et al. when each claim is interpreted as a whole. Withdrawal of the rejection for these claims as well is respectfully requested.

For example, dependent claim recites that the "information bundles include textual information bundles, graphical information bundles, and audio information bundles." The Examiner takes "Official Notice" regarding the this claim relating to "customizable views of data." However, Applicant is not claiming customizable views in dependent claim 8, but rather the combination of features including a specific embodiment of the information bundles.

Accordingly, Applicant disagrees with the Examiner's statement that these are well known when combined. Applicant requests the Examiner to provide an affidavit under 37 C.F.R. 1.104(d)(2) detailing the Official Notice, or provide a prior art reference in support of the Official Notice. In the absence of either, Applicant requests the Examiner to withdraw the rejection.

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In addition, new claims 33-35 are also asserted to be patentable over the prior art of record for the combination of features recited therein, when each claim is interpreted as a whole.

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CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

In addition, each of the combination of limitations recited in the claims includes additional limitations not shown or suggested by the prior art. Therefore, for these reasons as well, Applicants respectfully request withdrawal of the rejection.

Further, there is no motivation shown to combine the prior art cited by the Examiner, and even if these teachings of the prior art are combined, the combination of elements of claims, when each is interpreted as a whole, is not disclosed in the Examiner's proposed combination. As the combination of elements in each of the claims is not disclosed, Applicants respectfully request that the Examiner withdraw the rejections.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as

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a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary

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skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP



Irah H. Donner
Registration No. 35,120

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Customer No.
399 Park Avenue
New York, NY 10022
TEL (212) 230-8887
FAX (212) 230-8888

IHD/tes